

REMARKS

Claims 31, 34-36, and 39-40 are pending. Claims 21-30, 32, 33, 37 and 38 have been cancelled as drawn to non-elected inventions. Claim 20 has been cancelled in the interest of furthering prosecution. The applicants reserve the right to pursue claims of this scope in further applications. Support for amended claim 31, and new claims 39-40 derives from the specification and claims as originally filed. For example, support for new claims 39-40 can be found in the specification at least at page 32, lines 7-27. Accordingly, the amendments do not present new matter and entry is proper.

Claim 36 was found to be free of the art of record.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 20, 34 and 35 are rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. The Examiner's main point appears to be that the scope of the claims includes numerous structural variants that lack any structural limitations. Claim 20 has been cancelled, and thus the rejection is moot as applied to claim 20. Claim 31 has been amended to be an independent claim and to recite the metes and bound of the claimed EPOR analog. Moreover, Applicants respectfully point out that the specification at page 32, lines 7-28 provides examples of linkers and coiled coil motifs suitable for use with the EPOR analogs. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 20, 34 and 35 under 35 U.S.C. § 112, first paragraph.

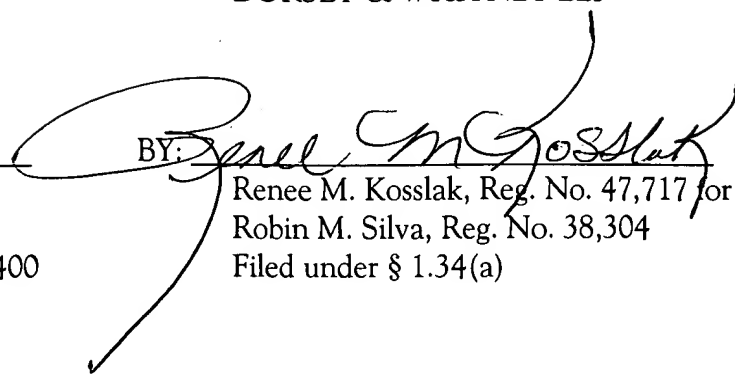
Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Serial No. 09/502,984
Filed: February 11, 2000

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 6/25/04
Customer Number: 32940
Dorsey & Whitney LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY:

A large, stylized handwritten signature in black ink, which appears to read "Renee M. Kosslak". The signature is written over a horizontal line and extends upwards and to the right.

Renee M. Kosslak, Reg. No. 47,717 for
Robin M. Silva, Reg. No. 38,304
Filed under § 1.34(a)